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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,
9

10 Plaintiff,

11 v.

12 **Walter Pinto-Mejia,**

13 Defendant.
14

Case No. 2:23-cr-00097-CDS-BNW

**Stipulation to Extend Deadlines to
Conduct Preliminary Hearing and
File Indictment (Second Request)**

15 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
16 United States Attorney, and Edward Veronda, Assistant United States Attorney, counsel for the
17 United States of America, and Jacquelyn N. Witt, Assistant Federal Public Defender, counsel for
18 Defendant Walter Pinto-Mejia, that the Court schedule the preliminary hearing in this case for no
19 earlier than 60 days from the date of the filing of this stipulation. This request requires that the
20 Court extend two deadlines: (1) that a preliminary hearing be conducted within 14 days of a
21 detained defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or
22 indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

23 This stipulation is entered into for the following reasons:
24

1 1. The United States Attorney’s Office has developed an early disposition program
2 for immigration cases, authorized by the Attorney General pursuant to the PROTECT ACT of
3 2003, Pub. L. 108-21.

4 2. The early disposition program for immigration cases is designed to: (1) reduce the
5 number of hearings required in order to dispose of a criminal case; (2) avoid having more cases
6 added to the court’s trial calendar, while still discharging the government’s duty to prosecute
7 federal crimes; (3) reduce the amount of time between complaint and sentencing; and (4) avoid
8 adding significant time to the grand jury calendar to seek indictments in immigration cases, which
9 in turn reduces court costs.

10 3. The government has made a plea offer in this case that requires defendant to waive
11 specific rights and hearings in exchange for “fast-track” downward departure under USSG
12 § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is indicted and
13 before a preliminary hearing is held.

14 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court “must hold the
15 preliminary hearing within a reasonable time, but no later than 14 days after the initial appearance
16 if the defendant is in custody”

17 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a showing
18 of good cause—taking into account the public interest in the prompt disposition of criminal
19 cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more times”

20 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny information
21 or indictment charging an individual with the commission of an offense shall be filed within thirty
22 days from the date on which such individual was arrested or served with a summons in connection
23 with such charges.”
24

1 7. Defendant has entered into a Fast Track Guilty Plea Agreement, and the change of
2 plea and sentencing hearing is scheduled for July 17, 2023 at 11:00am. The request to continue the
3 preliminary hearing will allow Mr. Pinto-Mejia to enter his plea and sentencing to take place in
4 the interest of judicial efficiency.

5 8. Accordingly, the parties jointly request that the Court schedule the preliminary
6 hearing in this case no sooner than 60 days from today's date.

7 9. Defendant is in custody and agrees to the extension of the 14-day deadline imposed
8 by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C. § 3161(b), provided
9 that the information or indictment is filed on or before the date ordered pursuant to this stipulation.

10 10. The parties agree to the extension of that deadline.

11 11. This extension supports the public interest in the prompt disposition of criminal
12 cases by permitting defendant to consider entering into a plea agreement under the United States
13 Attorney's Office's fast-track program for § 1326 defendants.

14 12. Accordingly, the additional time requested by this stipulation is allowed under
15 Federal Rule of Criminal Procedure 5.1(d).

16 13. In addition, the parties stipulate and agree that the time between today and the
17 scheduled preliminary hearing is excludable in computing the time within which the defendant
18 must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.
19 § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).

1 14. This is the second request for an extension of the deadlines by which to conduct the
2 preliminary hearing and to file an indictment.

3 DATED this 1st day of June, 2023.

4
5 Respectfully submitted,

6 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

7
8 /s/ Jacquelyn N. Witt
JACQUEYLN N. WITT
9 Assistant Federal Public Defender
Counsel for Defendant Walter Pinto-
10 Mejia

/s/ Edward Veronda
EDWARD VERONDA
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Walter Pinto-Mejia,

Defendant.

Case No. 2:23-cr-00097-CDS-BNW

**Order on Stipulation to
Extend Deadlines to Conduct Preliminary
Hearing and
File Indictment**

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv):

IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled on June 6, 2023, at the hour of 1:00 pm be vacated and continued to August 7, 2023 at the hour of 2:00p.m

DATED this 1st day of June, 2023.


UNITED STATES MAGISTRATE JUDGE